

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

AARON L. STEPHEN,

Plaintiff,

v.

WAYNE V. BENNETT and
RON CORBETT,

Defendants.

CIVIL ACTION NO.: CV209-185

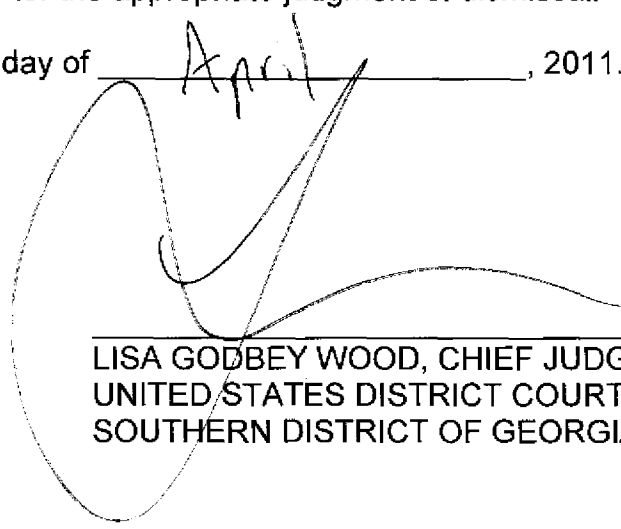
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Plaintiff Aaron Stephen ("Plaintiff") asserts in his Objections that he did not receive notification from the Eleventh Circuit Court of Appeals that the appeal in his criminal case was subject to dismissal. However, Plaintiff admits that he "completed and signed" a Transcript Order Form certifying that he contacted the court reporter and made satisfactory arrangements to pay for the transcript. In this regard, Plaintiff seemingly alleges that he also filed a motion to proceed *in forma pauperis* on appeal, which he considered "the only avenue of financial arrangement" of which he was aware. (Doc. No. 42, p. 6). While the Court recognizes Plaintiff's purported unfamiliarity with legal procedures, the Eleventh Circuit's dismissal of his appeal was not the result of Defendants' actions or inactions.

The undersigned notes Plaintiff's assertion that the Magistrate Judge erred by finding that Plaintiff failed to present evidence that he pursued post-conviction matters in his state court criminal proceedings. It is true that Plaintiff did not present evidence in this regard, but, rather, the Defendants did. This distinction is of no moment, however, because there is nothing before the Court indicating Plaintiff suffered any actual injury to his post-conviction matters as a result of Defendants' alleged failure to provide an adequate law library. In fact, the record shows that Plaintiff filed a timely motion to withdraw his guilty plea in the Glynn County Superior Court, and the Honorable Stephen Scarlett, Sr., granted Plaintiff's motion by order dated October 13, 2009. (Doc. No. 27-5, pp. 2-3).

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Defendants' Motion for Summary Judgment is **GRANTED**. Plaintiff's Complaint is **DISMISSED**, with prejudice. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 22 day of April, 2011.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA